

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE  
(REV. 07-2004)

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

257546US0X PCT

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

**10/510371**INTERNATIONAL APPLICATION NO.  
**PCT/EP02/11791**INTERNATIONAL FILING DATE  
**22 October 2002**PRIORITY DATE CLAIMED  
**30 April 2002 (earliest)**

TITLE OF INVENTION

**PH-SENSITIVE POLYMER**

APPLICANT(S) FOR DO/EO/US

**Hans-Ulrich PETEREIT, et al.**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☒ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

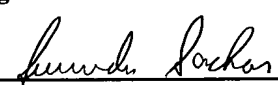
**Items 13 to 23 below concern document(s) or information included:**

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☐ Express Mail Label No.
23. ☒ Other items or information:

**Application Data Sheet/Notice of Priority/Request for Consideration/PCT/IB/304/PCT/IB/308**

U.S. APPLICATION NO (if known, see 37 CFR 1.5) <b>10/510371</b>		INTERNATIONAL APPLICATION NO. <b>PCT/EP02/11791</b>		ATTORNEY'S DOCKET NUMBER <b>257546US0X PCT</b>	
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24. The following fees are submitted: <b>BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)) :</b> <input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... <b>\$1080.00</b> <input checked="" type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... <b>\$920.00</b> <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... <b>\$770.00</b> <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... <b>\$730.00</b> <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... <b>\$100.00</b> <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>				<b>CALCULATIONS PTO USE ONLY</b>  <div style="border: 1px solid black; height: 100px; width: 100%;"></div>																																																																							
Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				<b>\$950.00</b>																																																																							
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:15%;">CLAIMS</th> <th style="width:20%;">NUMBER FILED</th> <th style="width:20%;">NUMBER EXTRA</th> <th style="width:10%;">RATE</th> <th style="width:15%;"></th> <th style="width:20%;"></th> </tr> </thead> <tbody> <tr> <td>Total claims</td> <td>18 - 20 =</td> <td>0</td> <td>x \$18.00</td> <td></td> <td style="text-align: center;"><b>\$0.00</b></td> </tr> <tr> <td>Independent claims</td> <td>1 - 3 =</td> <td>0</td> <td>x \$86.00</td> <td></td> <td style="text-align: center;"><b>\$0.00</b></td> </tr> <tr> <td colspan="5">Multiple Dependent Claims (check if applicable). <input type="checkbox"/></td> <td style="text-align: center;"><b>\$0.00</b></td> </tr> <tr> <td colspan="5" style="text-align: right;"><b>TOTAL OF ABOVE CALCULATIONS =</b></td> <td style="text-align: center;"><b>\$950.00</b></td> </tr> <tr> <td colspan="5"> <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.         </td> <td style="text-align: center;"><b>\$0.00</b></td> </tr> <tr> <td colspan="5" style="text-align: right;"><b>SUBTOTAL =</b></td> <td style="text-align: center;"><b>\$950.00</b></td> </tr> <tr> <td colspan="5">         Processing fee of <b>\$130.00</b> for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).       </td> <td style="text-align: center;"><b>\$0.00</b></td> </tr> <tr> <td colspan="5" style="text-align: right;"><b>TOTAL NATIONAL FEE =</b></td> <td style="text-align: center;"><b>\$950.00</b></td> </tr> <tr> <td colspan="5">         Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). <input type="checkbox"/> </td> <td style="text-align: center;"><b>\$0.00</b></td> </tr> <tr> <td colspan="5" style="text-align: right;"><b>TOTAL FEES ENCLOSED =</b></td> <td style="text-align: center;"><b>\$950.00</b></td> </tr> <tr> <td colspan="5"></td> <td style="text-align: center;"> <b>Amount to be:</b>  <b>refunded</b> \$  <b>charged</b> \$         </td> </tr> </tbody></table>				CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE			Total claims	18 - 20 =	0	x \$18.00		<b>\$0.00</b>	Independent claims	1 - 3 =	0	x \$86.00		<b>\$0.00</b>	Multiple Dependent Claims (check if applicable). <input type="checkbox"/>					<b>\$0.00</b>	<b>TOTAL OF ABOVE CALCULATIONS =</b>					<b>\$950.00</b>	<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.					<b>\$0.00</b>	<b>SUBTOTAL =</b>					<b>\$950.00</b>	Processing fee of <b>\$130.00</b> for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).					<b>\$0.00</b>	<b>TOTAL NATIONAL FEE =</b>					<b>\$950.00</b>	Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). <input type="checkbox"/>					<b>\$0.00</b>	<b>TOTAL FEES ENCLOSED =</b>					<b>\$950.00</b>						<b>Amount to be:</b> <b>refunded</b> \$ <b>charged</b> \$
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a. <input type="checkbox"/> A check in the amount of _____ to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <b>15-0030</b> d. <input checked="" type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.																																																																											
<b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.																																																																											
SEND ALL CORRESPONDENCE TO:																																																																											
<b>Surinder Sachar</b> <b>Registration No. 34,423</b>			 SIGNATURE																																																																								
<b>CUSTOMER NUMBER</b> <b>22850</b>			<b>Norman F. Oblon</b> NAME																																																																								
			<b>24,618</b> REGISTRATION NUMBER																																																																								
			<b>OCT. 5 2004</b> DATE																																																																								

Docket No. 257546US0X PCT  
IN RE APPLICATION OF: Hans-Ulrich PETEREIT, et al.  
SERIAL NO: New U.S. PCT Application based on PCT/EP02/11791  
FILED: Herewith  
FOR: PH-SENSITIVE POLYMER

10/510371  
DT04 Rec'd PCT/PTO 05 OCT 2004

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:  
Transmitted herewith is an amendment in the above-identified application.

- ☒ No additional fee is required
- ☐ Small entity status of this application under 37 C.F.R. §1.9 and §1.27 is claimed.
- ☒ Additional documents filed herewith: Credit Card Payment Form for \$950.00/PCT Transmittal Letter/Application Data Sheet  
Preliminary Amendment (with cover sheet)/Notice of Priority  
Request for Consideration/Declaration/PCT/IB/304/PCT/IB/308  
International Search Report/International Preliminary Examination Report

The Fee has been calculated as shown below:

CLAIMS	CLAIMS REMAINING		HIGHEST NUMBER PREVIOUSLY PAID	NO. EXTRA CLAIMS	RATE	CALCULATIONS
TOTAL	18	MINUS	20	0	x \$18 =	\$0.00
INDEPENDENT	1	MINUS	3	0	x \$88 =	\$0.00
		<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS			+ \$300 =	\$0.00
		TOTAL OF ABOVE CALCULATIONS				\$0.00
		<input type="checkbox"/> Reduction by 50% for filing by Small Entity				\$0.00
		<input type="checkbox"/> Recordation of Assignment			+ \$40 =	\$0.00
		TOTAL				\$0.00

- ☐ A check in the amount of \$0.00 is attached.
- ☐ Credit card payment form is attached to cover the fees in the amount of \$0.00
- ☒ Please charge any additional Fees for the papers being filed herewith and for which no check or credit card payment is enclosed herewith, or credit any overpayment to deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.
- ☒ If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time may be charged to Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon



Norman F. Oblon  
Registration No. 24,618

Customer Number

**22850**

Tel. (703) 413-3000  
Fax. (703) 413-2220  
(OSMMN 05/03)

Surinder Sachar  
Registration No. 34,423

DOCKET NO.: 257546US0X PCT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Hans-Ulrich PETEREIT, et al.  
SERIAL NO.: NEW U.S. PCT APPLICATION  
FILED: HEREWITH  
INTERNATIONAL APPLICATION NO.: PCT/EP02/11791  
INTERNATIONAL FILING DATE: October 22, 2002  
FOR: PH-SENSITIVE POLYMER

**REQUEST FOR CONSIDERATION OF DOCUMENTS  
CITED IN INTERNATIONAL SEARCH REPORT**

Commissioner for Patents  
Alexandria, Virginia 22313

Sir:

In the matter of the above-identified application for patent, notice is hereby given that applicant(s) request that the Examiner consider the documents cited in the International Search Report according to MPEP §609 and so indicate by a statement in the first Office Action that the information has been considered. When the Form PCT/DO/EO/903 indicates both the search report and copies of the documents are present in the national stage file, there is no requirement for the applicant(s) to submit them (1156 O.G. 91 November 23, 1993).

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



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Norman F. Oblon  
Attorney of Record  
Registration No. 24,618  
Surinder Sachar  
Registration No. 34,423

Customer Number  
**22850**

(703) 413-3000  
Fax No. (703) 413-2220  
(OSMMN 08/03)